

### *REMARKS*

This amendment responds to the office action mailed May 2, 2006. In the office action the Examiner:

- rejected claims 2-17 and 20-32 for being dependent upon rejected base claims;
- rejected claims 1-33 under 35 U.S.C. 101 as directed to as search method where detection of a signal is recited;
- rejected claims 1-18 under 35 U.S.C 101 as the claimed invention is not supported by either a machine, an asserted utility or a well established utility; and
- rejected claims 1-33 under 35 U.S.C. 102(e) as anticipated by Zhou et al (US 2005/0273318 A1)

After entry of this amendment, the pending claims are: claims 1-33.

Applicants have revised claims 1-3, 17, and 19 to address the rejections under 35 U.S.C. 112.

### *Summary of Changes to Claims*

Claims 1, 19 and 33 have been amended to clarify that the standard and extended indexes are indexes of documents. Other changes to the claims address the Examiner's objections under 35 U.S.C. 112, second paragraph.

### *Claim Rejections - 35 U.S.C. § 112*

Claims 14, 15, 17, 52, 53, and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has objected to the use of "there are" in claims 1 and 19. The respective claims have been amended to clearly specify the subject of the comparison. The Examiner has also objected to the use of "will produce", "will add" and "that will be" as vague and indefinite in claims 2, 3, and 17 respectively. To clarify, these claims have been amended to specify that search or cost is "estimated to" result in their respective conditions. Support for the changes to claims 2, 3 and 17 is found in at least paragraphs 57 and 58 of the specification. These amendments have been made to clarify the language and do not narrow the respective claims in any way.

Accordingly, it is respectfully submitted that the Examiner's 35 U.S.C. 112 rejections have been addressed and that the respective claim rejections be withdrawn.

***Claim Rejections - 35 U.S.C. § 101***

The Examiner has rejected claims 1-33 under 35 U.S.C. 101 because the claims are directed to a search method where detection of a signal is recited. The Examiner argues that a signal is a form of energy and does not resolve or enhance the search method described in the body of the claims.

However, signal processing and detecting signals is conventional patentable subject matter. Furthermore, methods of detecting a signal and then performing an operation in response (as in Claim 1, for example) is also conventional patentable subject matter. In addition, the claimed invention produces a useful result, i.e., the transmission of extended search results, and thus is not directed to an abstract concept.

It is also noted that the term ‘signal’ is used in the specification in a manner consistent with the pending claims, and furthermore the signal is used to direct a process. As described in the specification, the signal is a message to the mixer about the search:

**[0056]** Either after search results are located in the cache (314 – Yes), or once a reply is received from the standard index server(s) at step 324 (Figure 3A), the signal comparison procedures 226 (Figure 2A) in the mixer 108 (Figure 1) determine whether a signal has met the predetermined signal threshold value 228 (Figure 2A) at step 342. The signal is based on the reply received from searching the cache, or the reply received from searching the standard index server(s). For example, the signal may indicate that less than ten search results were obtained when searching the cache or standard index server(s).  
...

The specification gives several examples of the data a signal can contain:

**[0058]** Other suitable signals, besides receiving too few results, include: determining whether the amortized cost of performing the extended search is small, i.e., performing a cost to quality of search results comparison; determining if the user is not satisfied with the standard results returned from searching the standard index server(s), for example where a user selects a “next set of results” button repetitively; where the query scores of the results are low (i.e., fall below a threshold value, on average); if the load on the extended index servers is low; if for a given query the cost is low (different queries have different costs) or any combination of these signals.

This signal, if satisfying predetermined criteria, notifies the mixer to send the search query to the extended index. Thus, the state of the ‘signal’ has a clearly stated impact on the search method described in the claims and is not merely a form of energy, or *signal per se*. The Applicants respectfully request the Examiner withdraw rejection of claims 1-33 on these grounds.

The Examiner has also rejected claims 1-18 under 35 U.S.C 101 as the claimed invention is not supported by either a machine, an asserted utility or a well established utility. However, the method described in claim 1, transmits at least a portion of the extended search results. Because the claimed method as a whole produces concrete, useful and tangible results, the invention serves a well established utility. The Applicants respectfully request the Examiner withdraw rejection of claims 1-18 on these grounds.

#### ***Claim Rejections - 35 U.S.C. § 102***

By way of background, *Zhou* is directed to a method of identifying sentences similar to the sentence written by a user, for the purpose of analyzing the user's writing style or the like. The present invention, on the other hand, concerns search engines that identify documents that satisfy a user's search query.

The Examiner has rejected claims 1-33 under 35 U.S.C. 102(e) as anticipated by *Zhou*. The Examiner argues that portions of *Zhou* disclose or teach the claims described in independent claims 1, 18-19 and 33. Specifically, the Examiner cites portions of *Zhou* that describe the process of building indexing units based on a query sentence. These indexing units are constructed from lemma, or key words, found in the query sentence and are compared to other sentences in a sentence database (page 1, paragraph 10). The Examiner also cites portions of *Zhou* that describe the building of extended indexing units from a query sentence (page 1, paragraph 10). The Examiner argues that these elements of *Zhou* teach or disclose the methods described in the independent claims of the present application.

The Applicants respectfully disagree and traverse. In *Zhou*, an index unit is a collection of lemma, or base elements, found in the query sentence or term (page 5, paragraph 68). *Zhou*'s index unit is then used as the query term when searching a sentence database. *Zhou* uses an extended index based on sentence grammar to further refine the query sentence and improve the match (page 5, paragraph 68-69). Thus in *Zhou*, the indexes are representations of a query sentence.

Conversely, the present application uses a query term to search a database comprised of a standard index or set of standard indexes. Based on the results of the standard index search, a signal is generated and if criteria are met, a search in the extended index is triggered. Because the indexes in the pending claims are the information (e.g. databases) being searched rather than a representation of the query terms, *Zhou* neither teaches nor anticipates the claims in the present application.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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